

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EASTERN REGIONAL MEDICAL :
CENTER, INC., and CANCER TREATMENT :
CENTERS OF AMERICA PROFESSIONAL :
CORPORATION OF PENNSYLVANIA, P.C., :
Plaintiffs, :

v. :

GREGORY BATTEY, :
Defendant. :

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

13 CV 7594 (VB)

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Briccetti, J.:

Before the Court is Magistrate Judge Lisa Margaret Smith’s Report and Recommendation (“R&R”), dated March 5, 2015 (Doc. #24), recommending that the Court enter judgment in favor of plaintiffs on their breach of contract claim against defendant in the amount of \$470,254.02, plus prejudgment and post-judgment interest.

The Court presumes familiarity with the factual and procedural background of this case. For the following reasons, the Court adopts the R&R as the opinion of the Court.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific[,] written,” and submitted within 14 days after being served with a copy of the recommended disposition. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the

record. Lewis v. Zon, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Neither party objected to Judge Smith's thorough and well-reasoned R&R.

The Court has reviewed the R&R and finds no error, clear or otherwise.

CONCLUSION

Accordingly, the R&R is adopted in its entirety as the opinion of the Court.

The Clerk is instructed to enter judgment for plaintiffs against defendant Gregory Battey in the amount of \$470,254.02, plus prejudgment interest at the rate of 9% per annum from October 28, 2013, until the date of entry of judgment, plus post-judgment interest calculated in accordance with 28 U.S.C. § 1961.

Dated: April 24, 2015
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge